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EAST TIMOR

The Liquiza Killings

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On 11 February, the Indonesian Government announced that a military investigation had found that members of the security forces acted improperly in the killing. The government also announced the establishment of an Honorary Military Council to deal with the case, acknowledging that those found to have committed violations of the military code may face court martial. Amnesty International welcomes the fact that the government has initiated an inquiry into the killings, but is urging the government to ensure that any inquiry meets international standards. The organisation is also urging governments who are member states of the United Nations Commission on Human Rights, currently meeting in Geneva, to put pressure on the Indonesian Government to do this.

The last time Indonesia established an Honorary Military Council to deal with violations by members of the security forces was after the November 1991 Santa Cruz Massacre in Dili. The massacre, and the Indonesian Government's investigation of it, has recently been the subject of a report by the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions, who visited Indonesia and East Timor in July 1994.

The Special Rapporteur's report concluded that members of the security forces were responsible for killing demonstrators, and criticised the government for failing to satisfactorily investigate the fate of those killed and "disappeared" and to hold those responsible to account. The report concluded that the impunity with which the Indonesian security forces can act means that the factors which allowed for the Santa Cruz massacre

to happen still exist. Members of the security forces responsible for the abuses have not been held accountable and "continue to enjoy virtual impunity".

While the Liquiza killings were not of the same scale or nature as the Santa Cruz massacre, they give credence to the conclusions of the Special Rapporteur. They also highlight the urgent need for the implementation of his recommendations, in particular the need for independent and thorough investigations of reported human rights violations and the need to end the impunity enjoyed by members of the Indonesian security forces.

This document provides information about the killings and makes several recommendations to the Indonesian Government to ensure thorough and independent investigations into human rights violations by members of the security forces.

KEYWORDS: EXTRAJUDICIAL EXECUTION1 / MILITARY / INVESTIGATION OF ABUSES / ARMED CONFLICT /

This report summarizes a five-page document (1868 words), *East Timor: The Liquiza Killings* (AI Index: ASA 21/15/95), issued by Amnesty International in February 1995. Anyone wanting further details or to take action on this issue should consult the full document.

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Introduction

On 13 January 1995, Indonesian authorities announced that six East Timorese guerrillas had been killed in a military confrontation with the armed forces in Ermera, west of Dili, East Timor. Independent sources have claimed that the six were not guerrillas, but civilians, and the Indonesian Government has come under increasing international pressure to investigate the incident.

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Amnesty International welcomes the fact that the government has initiated an inquiry into the killings, but is urging the government to ensure that any inquiry meets international standards. Amnesty International is also urging governments who are member states of the United Nations Commission on Human Rights, which is currently meeting in Geneva, to put pressure on the Indonesian Government to do this.

This document provides information about the killings and makes several recommendations to the Indonesian Government to ensure thorough and independent investigations of human rights violations by members of the security forces.

The Liquiza Killings

On 11 January 1995, members of the Indonesian regional military command, (KODIM), clashed with guerrillas around the Leo-Tela village in the Beniquilo Partenel area of East Timor. The clash resulted in one of the government troops being wounded, while the guerrillas managed to evade capture. The KODIM troops then reportedly entered Gariana village in Liquiza, west of Dili, to look for the guerrillas and arrested four men, **Jose Nunes**, the village head of Gariana, **Agusto Pinto, Abel Nunes** and **Victor**. The next day the same troops reportedly arrested two others, **Americo de Araujo** and **Osorio Soares** from the same village.

Sources say that on the afternoon of 12 January, the six were then killed by KODIM troops at Beniquilo, apparently after being accused of being members of the resistance movement. The families of four of the victims were reportedly subjected to death threats when they attempted to bury the bodies, although two of the bodies were collected. After the killings, other residents in the village became too scared to continue working in their fields, for fear of further actions by the army.

The Indonesian military initially denied that those killed were civilians but stated that they were members of the resistance movement. Indeed, as recently as 10 February, the military commander in Dili stated that the six were members of the "Fretilin guerrilla movement" who frequently stole from the local people. However in the weeks since the killings, the level of international and domestic concern over the incident has increased. At least one eyewitness to the killings has stated that the six, who were his friends, were civilians. In addition to the non-government groups raising concern about the issue, the governments of Australia, the United States and Canada are believed to have pressed the Indonesian Government for information about the killings.

On 11 February, Indonesian State Secretary Murdiono announced that the military had already begun investigating the killings and had found that "there was an action by military personnel which was not based on proper procedure".[1] Indonesia's President Suharto has ordered the creation of an Honorary Military Council to examine the conclusions of the military inquiry. The armed forces has sent a seven-member team to East Timor to investigate the killings. The government has also announced that the Indonesian National Human Rights Commission (NHRC) will investigate the killings. Six members of the NHRC arrived in Dili on 16 February to begin their investigation, which may include other recent reports of violations by the security forces. The NHRC has stated that its findings will be made public. Despite the climate of fear which remains prevalent in East Timor, an eyewitness to the killings has agreed to testify before both the Military Council and the NHRC, if he is protected and not jailed.

The killings coincide with increased unrest and a crackdown by the authorities in East Timor. Since November 1994 there have been more frequent pro-independence demonstrations to which the authorities have responded with arbitrary detention, including detention of peaceful protesters, beatings, torture, and in some cases shooting.[2] At least three people were shot and killed when security forces fired on rioters in the town of Baucau, on 1 January. There are at least 26 East Timorese

[1] Sydney Morning Herald, 13 February 1995.

[2] For further details see Amnesty International East Timor: Continuing Human Rights Violations, ASA 21/10/95, February 1995.

currently facing trial for their involvement in demonstrations in Dili since November, with 16 of these facing seven years' imprisonment for their involvement in an entirely peaceful demonstration on 9 January. In more recent weeks, a gang of hooded individuals, believed to be acting with the connivance of the military, have been attacking houses, intimidating residents and are alleged to have abducted 29 pro-independence activists in Dili. On 15 January, **Joaquim Dorego Caetano**, was believed to have been shot during a raid by the military and informants in Alor, Dili. The military however are denying any involvement and are claiming that the incident was a local dispute.

Political killings and impunity

The last time Indonesia established an Honorary Military Council to deal with violations by members of the security forces was after the November 1991 Santa Cruz Massacre in Dili. The massacre, and the Indonesian Government's investigation of it, has recently been the subject of a report by a United Nations (UN) expert. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr Bacre Waly Ndiaye, visited Indonesia and East Timor in July 1994 to examine the Indonesian Government's investigation of the Santa Cruz massacre. While the Liquiza killings were not of the same scale or nature as the Santa Cruz massacre, they give credence to the conclusions of the Special Rapporteur, and also highlight the urgent need for the implementation of his recommendations, in particular the need for independent and thorough investigations of reported human rights violations and the need to end the impunity enjoyed by members of the Indonesian security forces.

The Special Rapporteur's report concluded that members of the security forces were responsible for killing demonstrators, and criticised the government for failing to satisfactorily investigate the fate of those killed and "disappeared" and to hold those responsible to account. The report concluded that the impunity with which the Indonesian security forces can act means that the factors which allowed for the Santa Cruz massacre to happen still exist. Members of the security forces responsible for the abuses have not been held accountable and "continue to enjoy virtual impunity".[3] Those who were prosecuted received sentences ranging from eight to 18 months' imprisonment, in sharp contrast to civilians involved in peaceful protest during and after the massacre, who received sentences of up to life imprisonment.[4]

[3] Commission on Human Rights, Fifty-first session, Extrajudicial, summary or arbitrary executions, Addendum, Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1.

[4] Special Rapporteur's report, p22.

The Special Rapporteur's report also criticised the competence, independence and thoroughness of the Indonesian Government's investigations into the Santa Cruz killings, concluding that the inadequate investigation into the massacre illustrated "that little importance is given to the respect of the right to life by Indonesian law enforcement officials in East Timor". In particular, the Special Rapporteur criticised the actions of the Honorary Military Council which was established after the National Commission of Inquiry had concluded its investigation into the Santa Cruz massacre. The Council considered the cases of six senior offices and found them guilty of misconduct. The Special Rapporteur has stated that:

> *This procedure was not public and did not involve the participation of the families or of independent observers. Many elements about it therefore remain obscure; for instance the exact grounds for punishing these officers is not known, and in any event they were never brought to justice.*[5]

The Liquiza Killings Investigation

The fact that the Indonesian Government has announced an Honorary Military Council to investigate alleged killings in Liquiza by the security forces is welcome. However, in light of the conclusion of the Special Rapporteur that the Honorary Military Council's inquiry into the Santa Cruz killings did not result in members of the security forces being properly held to account, Amnesty International is gravely concerned that the Council's investigation of the Liquiza killings may not lead to the truth being impartially established and those responsible punished.

The Indonesian Government has also announced that the National Human Rights Commission (NHRC) will investigate the killings. East Timor's military has stated that they welcome the inquiry by the NHRC, which will "tell the world what has happened in East Timor and answer all its questions".[6] The NHRC was established by presidential decree in 1993. It conducts investigations in response to complaints from victims, lawyers and non-government organisations. While the commission has made several strong public statements, Amnesty International is concerned that the NHRC's structure and mandate do not meet international standards of independence and impartiality. Most importantly, the commission has no formal powers of investigation and the government has no obligation to accept its recommendations or advice.

[5] Special Rapporteur's report, page 21, 70 (f).

[6] Reuters, 16 February 1995.

In relation to the investigation into the Dili massacre, the Special Rapporteur's report, welcoming the establishment of the NHRC, stated that "it has so far not dealt with human rights violations in East Timor, and in particular the Santa Cruz killings. Moreover, most observers met by the Special Rapporteur were of the opinion that the NHRC had neither the mandate ... nor the means to deal efficiently with this case".[7] In addition, the Special Rapporteur stated that:

> *Its mandate, the means of action at its disposal and its methods of work are insufficient. Furthermore, it is not trusted by the population of East Timor.*

In light of this, the Special Rapporteur recommended the establishment of a human rights commission specifically for East Timor. He has also recommended that the Indonesian Government allow unrestricted access to East Timor for other international and domestic human rights monitors.

Conclusions and Recommendations

Amnesty International welcomes the fact that the Indonesian Government has announced an investigation into the Liquiza killings. The organisation however urges the Indonesian Government to implement the following recommendations to ensure that justice is done and that members of the security forces do not continue to act with impunity;

♦ implement the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions;

♦ ensure that any investigation into the Liquiza killings meets international standards of independence, impartiality and thoroughness;

♦ make public the findings of any future inquiry and the military inquiry which has already been conducted into the killings;

♦ ensure that any witnesses testifying before an inquiry are afforded protection from violence, threats of violence, arrest or prosecution, or any other form of intimidation;

♦ ensure that jurisdiction over cases of alleged violations arising out of any inquiry into the killings is handed over to the civilian judiciary, and that those found responsible are brought to justice;

♦ allow access for independent human rights monitors to East Timor.

[7] Special Rapporteur's report, p14.